

REMARKS

Claims 1-36 are pending in this application. By this Response, claims 1, 13, 18, 25 and 29 have been amended, and claims 35-36 have been added. The claims are attached hereto, and are presented with markings to indicate their current amendments.

Applicant notes with appreciation that independent claims 33 and 34 are allowed, and that the objections to the drawings have been removed.

Rejection Under 35 U.S.C. § 112

In paragraphs 1-2 of the Office Action, the Examiner objects to claims 13 and 31 as indefinite. Specifically, the Examiner states that the anti-skid surface group of claim 13 includes "a surface structured to resist relative motion between the surface and the object placed on the surface," and that this member of the group does not further limit the claim. In response, Applicant has amended claim 13 to eliminate this member of the anti-skid group. Applicant has not amended claim 31, as anti-skid is not included within the claim.

The above-described claim amendments have been drafted in response to the indefiniteness rejection, to impart precision into the claims by more particularly pointing out the invention. The claim amendments have not been drafted to overcome any prior art.

In the Response to Arguments section of the Office Action, the Examiner states that Applicant's definition of "a width of the shelf is substantially equal to a width of the visor" to mean up to 6 inches wider is not encompassed within "substantially equal" as visors are 12 inches wide, and 6 inches is greater than "substantially equal." In response, Applicant notes that vehicle visors vary in width. For example, a visor for a truck may be much greater than 12 inches, whereas a visor for an economy-size vehicle may be less than 12 inches.

Therefore, Applicant maintains that “substantially equal” may encompass 6 inches greater than the width of the visor. For example, in a commercial semi-tractor, a visor may be up to 24 inches wide. In this case, 6 inches would only be 25% of the width of the visor. Applicant submits that 25% is encompassed within “substantially equal.” Thus, Applicant re-defines “substantially equal” to mean a vehicle shelf that is up to 125% of the width of the visor. In addition, as suggested by the Examiner, Applicant submits new claims 35 and 36 that specifically claim the 125% ratio.

Rejection Under 35 U.S.C. § 102(b)

In paragraphs 3-4 of the Office Action, the Examiner maintains his rejection of claims 1-3, 5-9, 11, 14, 17, 18, 21, 23-30 and 32 under 35 U.S.C. §102(b) as being anticipated by French Patent Number 2,366,147 (“Peugeot”).

In the Response to Arguments section, the Examiner disagrees with Applicant’s assertion that Peugeot does not teach “the upper surface being configured to receive one or more objects,” as recited in independent claims 1 and 18. Specifically, the Examiner states:

“the radio set is an object and is supported by an upper surface of the shelf. . . Furthermore, just because the reference discloses a radio set as the object does not mean that the shelf is not configured to receive a variety of other objects. **The radio set can easily be removed and substituted.**” (emphasis added)

Applicant respectfully traverses this rejection.

A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.* (emphasis added)

However, Applicant submits that independent claims 1, 18, 25 and 29 have elements that cannot be found, either expressly or inherently in Peugeot. Firstly, each of the listed independent claims has been amended to now recite “removeably.” For example, claim 1 now recites, in part, “an upper surface configured to removeably receive at least one object.”

Attached as Exhibit A is a translation of the Peugeot specification. The title of Peugeot is “Radio set support for car.” Peugeot teaches that “currently you **mount** a radio in a **mounting** unit on the dashboard” (page 1, line 5). But, “sometimes, there is not the necessary space available, which would allow you to install in the dashboard a special **support**/special console” (page 1, lines 6-7). “The object of the invention is a radio **support**” (page 1, line 9). “The invention provides a simple and easy method of **mounting**” (page 1, lines 9-10) Additionally, Peugeot states “one sees that the invention provides a simple and elegant solution to the problem of **mounting** a radio in a vehicle” (page 2, lines 11-12) (emphasis added)

Thus, Peugeot teaches **mounting** a radio in a **support**. As shown in the Figures, the radio is held in place by a lower lip and an upper flange that securely fixes the radio into the radio support. “Mounting” as defined in The American Heritage College Dictionary, 3rd edition is “to fix securely to a support.” “Support” is defined as “to hold in position.”

Peugeot provides no teaching or suggestion of being able to quickly and easily remove the radio, nor is there any teaching of placing any object other than a radio within the radio support.

In contrast, Applicant's amended claim 1 now recites, in part, "an upper surface configured to **removeably** receive at least one object." Similarly, amended claim 18 now recites, in part, "the upper surface configured to removeably receive one or more objects." Claim 25 now recites, in part, a front section configured to removeably receive one or more objects" and claim 29 now recites, in part, "a weight removeably placed on an upper shelf."

"Removeably" as defined by the Applicant means "to take off, or take away, quickly and easily." For example, an object may be placed by hand on the upper surface of the vehicle shelf, and then easily grasped by the same hand, and quickly taken away from the vehicle shelf.

Quickly taking objects off a vehicle shelf is not taught or suggested in Peugeot. Instead, Peugeot teaches **mounting** a radio fixedly within a support. Put differently, a mounted radio set is not an object that is quickly taken off a vehicle shelf as claimed by Applicant.

Accordingly, Applicant respectfully submits that Peugeot cannot anticipate amended independent claims 1, 18, 25 and 29. Claims 3, 5-9, 11, 14, 17, 21, 23-24, 26-28, 30 and 32 depend from the listed independent claims, and accordingly it is respectfully submitted that the rejection of these dependent claims has been traversed by virtue of their dependency from the independent claims. M.P.E.P. § 2143.03.

Rejection Under 35 U.S.C. § 103(a)

In paragraphs 5-10 of the Office Action, the Examiner rejects claims 4, 10, 12-13, 15-16, 19-20 and 30-31 as unpatentable under 35 U.S.C. § 103(a) over Peugeot in view of a number of references. Applicant respectfully traverses this rejection as follows.


Claims 4, 10, 12-13, 15-16, 19-20 and 30-31 depend from any one of independent claims 1, 18, 25 or 29, which have been distinguished from Peugeot above. As dependent claims, it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency from any one of claims 1, 18, 25, or 29. M.P.E.P. § 2143.03.

Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 1-36 at an early date is solicited. Applicant notes with appreciation that independent claims 33 and 34 have been allowed. No fee is believed due with this response. However, the Commissioner is authorized to charge any fee required to our Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date


Peter R. Martinez
Attorney for Applicant(s)
Reg. No. 42,845
c/o LUCE, FORWARD, HAMILTON
& SCRIPPS LLP
11988 El Camino Real, Ste. 200
San Diego, California 92130
Telephone No.: (858) 720-6300

PEUGEOT REFERENCE

RADIO SET SUPPORT FOR CAR

The present invention, due to the collaboration of Mr. John Guillard, concerns a ledge for a radio for vehicle.

5 Currently you mount a radio in a mounting unit on the dashboard of the vehicle.

Sometimes, there is not the necessary space available, which would allow you to install in the dashboard a special support/special console

The present invention seeks to remedy the inconvenient need to create a specific mounting for the radio, and frees up the space on the dashboard. Additionally, the invention provides a simple
10 and easy method of mounting.

The object of the invention is a radio support that is comprised of an adaptable transversal element that is fixed under the roof of the car by employing the built in visor fittings.

Other characteristics of the invention are set forth below:

The drawings below describe an example of the invention.

15 Fig. 1 is a perspective view of the support describing the invention mounted in the vehicle;

Fig. 2 is a cross section using line 2-2 of the Fig. 1; and

Fig. 3 is a cross section using line 3-3 of the Fig. 1.

In Fig. 1, shows the interior front cabin formed by the junction of the roof (1) of the vehicle and the visor (2).

20 The edge of the roof (1) of the vehicle is reinforced by the traverse element (3).

On the traverse element (3), are mounted on the visor (4) in the usual manner.

Each visor is attached to the traverse element by a joint (5) which is itself attached to the traverse element by screws (6).

A support (7) made for example in plastic material is mounted transversely under the front of the roof (1).

- 5 It is interposed between the traverse element (3) and the joints (5) of the visors fixed to the traverse by the screws (6) of the joints (5).

The support (7) creates a ledge (8) towards the bottom that forms with the roof (1) a cavity (9) sensibly located in the axis of the vehicle and suited to receive a radio (10).

- 10 Away from the cavity (9), the support (7) is formed into a concave shape (11) that can, as shown in Fig. 3, receive the visor (4) when not in use.

One sees that the invention provides a simple and elegant solution to the problem of mounting a radio in a vehicle.

One can equally see that the attachment between the radio (10) and the external roof (12) is particularly easy to realize due to the proximity of the radio and antenna.

- * 15 The layout that has been described makes the radio less visible from outside, which makes the radio less vulnerable to be stolen.